

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NYJEE BOYD,

Plaintiff,

-against-

CORRECTION OFFICER CHARLES
GUTHRIE, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/28/2022

7:22-CV-8549 (NSR)

ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff Nyjee Boyd, who is currently incarcerated in the Coxsackie Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983 seeking damages; his claims arise from events that allegedly occurred in the Sing Sing Correctional Facility (“Sing Sing”) while he was incarcerated there. He sues: (1) Correctional Officer Charles Guthrie; (2) Correctional Officer Asantewa K. Tulloch; (3) Correctional Sergeant Jose Candelario; (4) Correctional Officer Alexander; (5) Sing Sing Nurse Elizabeth Pemisi; (6) Sing Sing Disciplinary Hearing Officer “SORC [Marcia N.] Regisford”; (7) Sing Sing Superintendent Michael Capra; (8) Sing Sing Deputy Superintendent Elaine Velez; (9) Correctional Officer Vito G. Marsico; (10) Correctional Officer Rondy D. London; (11) Correctional Sergeant Martinez; (12) Correctional Officer Gonzalez; (13) Correctional Sergeant Gonzalez; (14) Correctional Officer Leon K. Lowe; and (15) Correctional Officer Felix Santiago Vasquez.

By order dated October 11, 2022, the court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹ The Court directs service on all of the defendants, and directs all of them to comply with Local Civil Rule 33.2.

DISCUSSION

A. Service on all of the defendants

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.² *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on all of the defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of the defendants. The Clerk of Court is further instructed to issue a summons for each of the defendants and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon all of the defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

¹ Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss this action if Plaintiff fails to do so.

B. Local Civil Rule 33.2

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. These discovery requests are available on the Court's website under "Forms" and are titled "["Plaintiff's Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents."](#)" Within 120 days of service of the complaint, the defendants must serve responses to these standard discovery requests. In their responses, the defendants must quote each request verbatim.³

CONCLUSION

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff, together with an information package.

The Court also directs the Clerk of Court to issue summonses for all of the defendants; complete the USM-285 forms with the addresses for all of the defendants; and deliver all documents necessary to effect service on all of the defendants to the U.S. Marshals Service.

The Court further directs the defendants to comply with Local Civil Rule 33.2 within 120 days of service of the complaint.

SO ORDERED.

Dated: October 28, 2022
White Plains, New York



NELSON S. ROMÁN
United States District Judge

³ If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the court's Pro Se Intake Unit.

DEFENDANTS AND SERVICE ADDRESSES

1. Correctional Officer Charles Guthrie
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
2. Correctional Officer Asantewa K. Tulloch
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
3. Correctional Sergeant Jose Candelario
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
4. Correctional Officer Alexander
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
5. Nurse Elizabeth Pemisi
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
6. Disciplinary Hearing Officer "SORC" Marcia N. Regisford
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
7. Superintendent Michael Capra
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
8. Deputy Superintendent Elaine Velez
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
9. Correctional Officer Vito G. Marsico
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442

10. Correctional Officer Rondy D. London
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
11. Correctional Sergeant Martinez
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
12. Correctional Officer Gonzalez
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
13. Correctional Sergeant Gonzalez
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
14. Correctional Officer Leon K. Lowe
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562-5442
15. Correctional Officer Felix Santiago Vasquez
Sing Sing Correctional Facility
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